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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,059	10/29/2003	Josef Dietl	24307-0010001/2002P10023	7763

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EXAMINER

WASEL, MOHAMED A

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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09/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,059	Applicant(s) DIETL, JOSEF	
	Examiner MOHAMED WASEL	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 June 2008.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-9,11-16 and 18-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-9,11-16 and 18-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/08 & 8/1/08</u> | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

This action is responsive to amendment filed on June 6, 2008. Claims 3, 10 and 17 have been canceled. Claims 1, 2, 4-8, 12-15, 19 and 20 have been amended. Claims 1, 2, 4-9, 11-16 and 18-20 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 7, 8, 14 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Upon further review of the original disclosure of the claimed invention, the cited limitation "a client identifier **string**..." in lines 5, 6, 9 and 11 of claim 1 is not described in the specification and therefore it is considered new matter. Appropriate corrections are required where applicable..

Claims 7, 8, 14 and 15 are rejected under the same rationale as claim 1.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the preamble recites "**the computer program operable to cause data processing...**" in lines 2 and 3, which renders the claim indefinite because it is unclear what it pertains to. Appropriate correction is required where applicable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-9, 11-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fascenda, US Patent No. 6,560,604.

1. As per claim 1, Fascenda teaches a computer program, stored on a computer-readable storage medium for selecting a renderer, the computer program operable to cause data processing apparatus to perform operations comprising:

receiving a client identifier string that identifies a client (**Fig. 11, element 1104, col. 3 lines 26-44**);

comparing the client identifier string with each of one or more client templates, each client template being associated with a renderer in a plurality of renderers (**col. 11 lines 9-26, Abstract**);

generating a score for each comparison, the score reflecting the similarity between the client identifier string and the client template (**col. 6 lines 33-38**), wherein each score is generated by computing a number of matching characters in the client template divided by a number of characters in the client identifier string (**col. 16 lines 1-31**), and selecting, based on the score, a renderer from the plurality of renderers for use in communication with the client (**col. 11 lines 9-26**).

2. As per claim 2, Fascenda teaches the program wherein the score is one of at least three different possible scores (**col. 6 lines 33-38**).

3. As per claim 4, Fascenda teaches the program wherein the renderer is selected based on the highest generated score (**col. 11 lines 9-26**).

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4. As per claim 5, Fascenda teaches the program wherein the renderer is selected based on the first generated score that meets or exceeds a minimum score (**col. 11 lines 9-26**).
5. As per claim 6, Fascenda teaches the program wherein the renderer is selected based on the first generated score that meets the maximum score (**col. 11 lines 9-26**).
6. As per claim 7, Fascenda teaches the program wherein the client identifier string is a user agent identifier that identifies a Web browser running on the client (**col. 2 lines 5-14**).
7. Claim 8 is rejected under the same rationale as claim 1.
8. Claim 9 is rejected under the same rationale as claim 2.
9. Claims 11-14 are rejected under the same rationale as the set of claims 4-7.
10. Claim 15 is rejected under the same rationale as claim 1.
11. Claim 16 is rejected under the same rationale as claim 2.
12. Claims 18-20 are rejected under the same rationale as the set of claims 4-6.

Response to Argument(s)

Applicant's argument(s) filed on June 6, 2008 have been fully considered but they are not persuasive. Therefore, rejection is maintained.

- In the remarks, the Applicant argues in substance that:
Fascenda fails to teach or suggest generating a score for each comparison, the score reflecting the similarity between the client identifier string and the client template, wherein each score is generated by computing a number of matching characters in the client template divided by a number of characters in the client identifier string and selecting, based on the score, a renderer from the plurality of renderers for use in communication with the client.
- In response to argument(s):
Examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Fascenda discloses first determining whether a unique identifier of a client device is valid wherein said unique identifier comprises a string of digitally represented alphanumeric characters can be compared to a maintained

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database of unique identifiers (**col. 6 lines 33-38**). Then, if a server determines the client device does not have the latest version of the client template, then said server composes a response message to the client device with either a new client template or simply compares current client template and the latest version template and update the client device with only the changes (**col. 16 lines 1-31, col. 17 lines 28-49**). In addition, Fascenda discloses the templates stored in client device define a configuration of the client device, wherein the configuration of the client device determines the data services a user can access using the client device, including various data service options and/or features such as the way in which the client device interacts with the user to provide data services to the user, the types of pages displayed to the user, the appearance of the display pages, the types and/or arrangements of information displayed on the pages, the navigable hierarchy of display pages presented to the user, the types and/or operations of actions the user can initiate when the user is presented with the display pages, the types of requests a user can enter via the client device and/or the content of client requests resulting from such entered user requests (**col. 11 lines 9-26**). Therefore, Fascenda meets the scope of the claimed limitations as currently presented. In an effort to expedite the prosecution of this case, Applicant is invited to contact the Examiner to discuss possible amendment to the claim language to better define the scope of the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Wasel whose telephone number is (571) 272-2669. The examiner can normally be reached on Mon-Fri (8:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohamed Wasel/
Patent Examiner
August 27, 2008

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154